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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,094	04/06/2001	Hiroyuki Miyake	205405US2	2190

7590 12/17/2004
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARINGTON, VA 22202

EXAMINER

GIBBS, HEATHER D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/827,094	MIYAKE, HIROYUKI	
	Examiner	Art Unit	
	Heather D Gibbs	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/06/01, 07/28/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi et al (US 4,914,282) in view of Matsumura et al (US 4,563,576).

Akashi discloses a first lens 3a transmitting light entering from a first direction; a second lens 3b transmitting light entering from a second direction which is different from said first direction; a photo receiving face 2 for receiving light passed through said first lens and light passed through said second lens (Fig 1).

Akashi does not disclose expressly a light shield plate, wherein said light shield plate prevents an interference between a first light flux passing through said first lens and traveling toward said photo receiving face and a second light flux passing through said second lens and traveling toward said photo receiving face so that said first and second light fluxes are not overlapped with each other on said photo receiving face.

Matsumura discloses a light shield plate 12, wherein said light shield plate prevents an interference between a first light flux passing through said first lens and traveling toward said photo receiving face and a second light flux passing through said second lens and traveling toward said photo receiving face so that said first and second light fluxes are not overlapped with each other on said photo receiving face (Col 3 Lines 43-54; Fig 2).

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Akashi & Matsumura are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Matsumura with Akashi.

The suggestion/motivation for doing so would have been as both systems involve focus detecting.

Therefore, it would have been obvious to combine Matsumura with Akashi to obtain the invention as specified in claim 1.

Regarding claim 2, Matsumura teaches further including a translucent member (10,16) including a plate-shaped part which is almost parallel to said photo receiving face to protect said photo receiving face, wherein said translucent member is constructed by a plurality of translucent member pieces divided so as to be adapted to placement of said light shielding plate, and said translucent member pieces are disposed so as to sandwich said light shield plate (Fig 2).

Considering claim 3, Matsumura teaches wherein said translucent member pieces and said light shield plate are formed integrally (Fig 2).

Considering claim 4, Matsumura teaches wherein each of said translucent member pieces includes at least two side walls which extend from said plate-shaped part and are in contact with a photo receiving element having said photo receiving face so as to maintain a distance between said plate-shaped part and said photo receiving face constant (Fig 2).

Regarding claim 5, Matsumura teaches wherein said side wall surround a space between said translucent member piece and said photo receiving face by a combination with said light shield plate (Fig 2).

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Considering claim 6, Matsumura teaches wherein travel direction changing means for changing a travel direction of at least one of light passed through said first lens and light passed through said second lens so that the light travels toward said photo receiving face (Col 4 Lines 9-10).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi et al in view of Matsumura et al and further in view of Tsuchida (US 6,163,411).

Akashi and Matsumura disclose the image pickup device as described in claim 1.

Akashi and Matsumura do not disclose expressly a portable telephone including an image pickup device according to claim 1.

Tsuchida discloses a portable telephone including an image pickup device (Col 10 Lines 23-28).

Akashi, Matsumura & Tsuchida are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Tsuchida with Akashi and Matsumura.

The suggestion/motivation for doing so would have been as all three systems involve a lens system and an image pickup apparatus.

Therefore, it would have been obvious to combine Tsuchida with Akashi and Matsumura to obtain the invention as specified in claim 7.

Conclusion

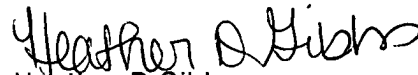
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg


Heather D Gibbs
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER LEOU